

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 0507-02

CDSS MANUAL LETTER NO. CCL-08-04

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 5, GROUP HOMES

Regulation Package # 0507-02**Effective 8/8/08****Sections 84065, 84068.2, 84090, 84165 and 84265**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG644.htm>.

Proposed regulatory amendments would incorporate provisions of AB 1412 into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of small family home (SFH); needs and services plan sections of group home (GH), transitional housing placement program (THPP), and foster family agency (FFA); social work personnel section of FFA; and responsibility for providing care and supervision section of standalone foster family home (FFH) regulations.

Proposed regulatory amendments would incorporate AB 458 nondiscrimination training provisions into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of SFH; initial certification training program approval requirements of GH; personnel requirements sections of all GH; plan of operation section of FFA; and training requirements section of standalone FFH regulations. Proposed regulatory amendments would incorporate the provider nondiscrimination provisions of AB 458 by amending the applicant qualifications sections of general licensing requirements, SFH, and standalone FFH regulations.

Proposed regulatory amendments would incorporate AB 2661 provisions by adding a definition of "placement hold" to the definitions section of FFA regulations. An Application for Certification section would be added to regulations to outline information that applicants for family home certification must provide to FFAs, information that FFAs must provide to applicants for family home certification, and reference checks that FFAs must make before an applicant is certified as a family home.

A Civil Penalties section would be added to FFA regulations to outline a schedule of immediate and repeat civil penalties that will apply when a FFA is cited for failing to provide the department with information about certified and decertified family homes. Immediate and daily civil penalties of \$50.00 would apply when an agency fails to

provide the department with a log of certified and decertified family homes or fails to notify the department about its decision to decertify a family home, until it corrects the violation. An immediate civil penalty of \$150.00 and daily civil penalty of \$50.00 would apply when an agency repeats the same violation within 12 months.

These regulations were considered at the Public Hearing held on March 12, 2008

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-08-03. The latest prior manual letter containing Group Homes regulation changes was Manual Letter No. CCL-07-05.

<u>Page(s)</u>	<u>Replace(s)</u>
28.1 and 28.2	Pages 28.1 and 28.2
28.5 through 28.7	Pages 28.5 through 28.7
37 and 38	Pages 37 and 38
60.2 through 60.5	Pages 60.2 through 60.5
76 through 79	Pages 76 through 79
124 and 125	Pages 124 and 125

Attachments

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84065 PERSONNEL REQUIREMENTS (Continued)**84065**

4. Successful completion of job shadowing shall be verified by a statement completed by the experienced facility personnel being shadowed affirming: a) specific activity observed; b) dates and times of shadowing; and, c) training topic listed in Section 84065(i)(3)(A) through (R) that is satisfied by the job shadowing activity.
- (D) Within 7 calendar days of completion of the 8 hour training, the administrator or administrator's designee shall assess if each child care staff understands and can apply the training.
 1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
 2. The assessment shall be documented in each child care staff personnel record.
 3. When the administrator or administrator's designee determines a child care staff does not understand and cannot apply the training, re-training is required.
- (2) Sixteen hours of training shall be completed by new child care staff within 90 days of hire.
 - (A) New child care staff who work a maximum of 20 hours per week shall complete the additional minimum 16 hours of training within 180 days of hire.
 - (B) Within 30 days of completion of the 16 hour training, the administrator or administrator's designee shall assess if each newly hired child care staff understands and can apply the training.
 1. The assessment may include observation of performance, post-testing or demonstrated hands-on competency.
 2. The assessment shall be documented in each child care staff personnel record.
 3. When the administrator or administrator's designee determines a child care staff does not understand and cannot apply the training, re-training is required.
- (3) Training shall include, at a minimum, all of the following topics. The licensee shall determine how much time is spent on each topic, and shall ensure that child care staff have appropriate skills necessary to supervise the children in care.
 - (A) Overview of the client population served by the group home;
 - (B) Facility's program and services, including program philosophy, activities and community resources;

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (C) Facility's policies and procedures, including reporting requirements to the Department and as a mandated child abuse reporter;
- (D) Child care workers' job description, including roles and responsibilities;
- (E) Child care workers' self awareness;
- (F) Role of other facility personnel in service delivery, including case staffing;
- (G) Discipline policies and procedures;
- (H) Disaster response;
- (I) Medical emergency response;
- (J) Teamwork and interpersonal communication among facility personnel and clients and client family members;
- (K) Teamwork and intra-facility communication;
- (L) The role of placement workers;
- (M) Medication procedures, assistance with medication, universal precautions, recognition of early signs of illness and the need for professional assistance, and other health related issues;
- (N) Group home children's adjustment to group care;
- (O) Housekeeping and sanitation principles; principles of nutrition, food preparation and storage and menu planning;
- (P) California Code of Regulations, Title 22;
- (Q) Availability of community services and resources; and
- (R) Recreation activities and resources.
- (S) The child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (H) Child and adolescent development;
 - (I) Child empowerment;
 - (J) Discharge and emancipation;
 - (K) Importance of sibling and family relationships;
 - (L) Placement agencies and the placement process;
 - (M) Needs and service plan/treatment planning and review;
 - (N) Employee training handbook; and
 - (O) Topics listed in Sections 84065(i)(3)(A) through (S).
- (4) Training topics shall be appropriate for the client population and services provided by the facility.
- (5) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.
- (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
- (6) Documentation of successful completion of training shall be maintained in the personnel record for each child care staff.
- (7) Annual training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (A) Annual training does not apply to child care staff only working in community treatment facilities governed by Title 22, Division 6, Chapter 5, Subchapter 1 who have successfully completed the training required in Section 84165(f), and child care staff only working in group homes that care for children under the age of six years governed by Title 22, Division 6, Chapter 5, Subchapter 2 who have successfully completed the training required in Section 84265(h).

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (k) The licensee shall develop, maintain and implement a written plan for the training of facility managers.
 - (1) The facility manager training plan shall be incorporated in the group home's program statement.
 - (2) The training plan shall include the following for each training session:
 - (A) Course title and subject matter;
 - (B) Learning objectives and activities;
 - (C) Number of hours per training session;
 - (D) Qualifications of the trainer; and
 - (E) Training evaluation.
 - 1. Each session shall include an evaluation of the trainer and course content to determine if the training is meeting the needs of facility personnel acting as facility managers.
 - (3) The training plan shall be appropriate for the client population and shall consider the training needs and skill level of staff.
 - (A) The licensee shall amend the training plan, as necessary, to meet the needs of facility personnel acting as facility managers and the client population.
 - (4) Amendments to the staff training plan, shall be submitted to the Department within ten days.
 - (5) Training shall include, but not be limited to, the following. The licensee may determine how much time is spent on each topic:
 - (A) Interaction with the Department, including inspection authority
 - (B) Licensee appeal rights
 - (C) Interaction with placement agencies, neighbors, mental health agencies, law enforcement, medical/emergency personnel, client family members.
 - (6) The training requirement may be satisfied by successful completion of course work conducted in a workshop, seminar, or classroom setting, individual or small group setting.

84065 PERSONNEL REQUIREMENTS (Continued)**84065**

- (A) Proof of successful completion of course work shall be limited to official grade slips or transcripts; or, certificates or signed documentation issued by colleges, or adult education departments, bona fide educational institutions or organizations, or licensee associations, or courses offered or approved by accredited educational institutions, or qualified individuals who possess the necessary skills, knowledge and experience to train others in a particular subject area.
1. The qualified individual shall meet the requirements specified in Section 84065(i)(4)(A)1.
- (7) Documentation of successful completion of training shall be maintained in the personnel record for each staff member.
- (8) Facility manager training is in addition to first aid and CPR training, and other training as required in Sections 84065.1 and 84365.
- (l) All employees shall be given a copy of the job description specified in Section 84066(b)(1) which is relevant to their duties, and shall have access to all other job descriptions.
- (m) The staff assignment information specified in Section 84066(b)(2) shall be provided to all applicants during interviews for employment; to all staff during orientation or when changes are made which affect job assignments; and upon request to placement agencies.
- (n) Upon employment, the group home shall make available for review by all group home personnel, an employee training handbook that shall include the following: facility's program philosophy; facility's policies and procedures; disaster response procedures; lines of authority and communication; Title 22 regulations and reporting requirements.
- (1) The employee training handbook shall be maintained at the facility and updated as needed.
- (o) Upon employment, staff shall receive copies of the removal and/or discharge policies and procedures specified in Section 84068.4(a); of the discipline policies and procedures specified in Section 84072.1(a), and of the complaint procedures specified in Section 84072.2(a).
- (p) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that a licensee's or staff member's physical and/or mental health is not adequate to carry out responsibilities under these regulations.
- (1) The licensing agency shall provide the licensee with a written explanation of the need for any additional report.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

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84068.1 INTAKE PROCEDURES (Continued)**84068.1**

- (B) The information specified in (A) above, and the needs and services plan specified in Section 84068.2, shall be reviewed by social work staff to determine whether the facility can continue to provide services necessary to meet the child's needs.
- (C) The admission agreement shall be modified as specified in Section 80068(d), if necessary.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84068.2 NEEDS AND SERVICES PLAN**84068.2**

- (a) Social work staff shall obtain the information specified in Section 84070, and shall develop an individual needs and services plan for the child which meets the requirements specified in (b) through (d) below.
 - (1) A needs and services plan is not required for children who are placed in the facility on an emergency basis and who will remain in placement for less than seven days as documented in the child's record.
- (b) The needs and services plan shall identify the child's needs in the following areas:
 - (1) Reason for placement.
 - (2) Education.
 - (A) If the information specified in Section 84070(b)(4) is not available, the plan shall specify a method for determining such needs.
 - (3) Training.
 - (4) Personal care and grooming.
 - (5) Ability to manage his/her own money, including the maximum amount of money the child shall be permitted to have in his/her possession at any one time.
 - (6) Visitation, including the frequency of and any other limitations on visits to the family residence and other visits inside and outside the facility.

84068.2 NEEDS AND SERVICES PLAN
(Continued)**84068.2**

- (7) Other specific services, including necessary services to the child's parent(s) or guardian(s).
- (c) The needs and services plan shall include the following information regarding services necessary to meet the child's needs:
 - (1) Types of services necessary.
 - (2) The facility's ability to provide the necessary services based upon the following information provided in the plan of operation.
 - (A) The facility's purposes, program methods, and goals.
 - (B) The facility's admission policies and procedures.
 - (C) Services to be provided by the facility in cooperation with community resources.
 - (3) Planned length of placement, including the discharge plan specified in Section 84068.4(b).
 - (4) Financial arrangements for provision of services to the child.
- (d) The licensee shall ensure that the child and his/her authorized representative(s) are offered the opportunity to participate in the development of the needs and services plan.
- (e) Unless restricted by the case plan adopted by the court or other court order, the licensee shall permit and facilitate connections between the child and the child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.
 - (1) The licensee shall not implement a needs and services plan unless prior written approval of the plan has been obtained from the child's authorized representative(s).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 366.1, 366.21, and 16001.9, Welfare and Institutions Code.

84068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**84068.3**

- (a) The needs and services plan specified in Section 84068.2 shall be updated at least every six months to determine the following:
 - (1) The child's need for continuing services.
 - (2) The facility's recommendation regarding the feasibility of the child's return to his/her home; placement in another facility; or move to independent living.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of forty (40) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
 - (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
 - (B) Four (4) hours of instruction in business operations.
 - (C) Four (4) hours of instruction in management and supervision of staff.
 - (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.
 - (E) Four (4) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Two (2) hours of instruction in the physical needs of facility residents.
 - (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
 - (H) Six (6) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination policies, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.

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- (J) Reserved
- (K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed group homes, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et seq.

HANDBOOK ENDS HERE

- (2) A standardized test administered by the Department.
 - (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
 - (B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 84090(h)(1)(A) through (I) above.
- (i) Initial Certification Training Program vendors shall:
 - (1) Offer all forty (40) of the classroom hours required for certification.
 - (A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(6)(D).
 - (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
 - (3) Submit to the Department within seven (7) days of determination the names of individuals who have completed forty (40) hours of classroom instruction.
 - (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following information:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 84090(i)(6).

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (C) Names of registered participants and documentation of completion of the program.
- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001(s)(6).
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.41, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM****84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

HANDBOOK CONTINUES

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1**

HANDBOOK CONTINUES

- (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the Department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

HANDBOOK ENDS HERE

- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

HANDBOOK BEGINS HERE

Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES

84165 PERSONNEL REQUIREMENTS (Continued)**84165**

- (1) The facility manager shall meet one of the following minimum requirements prior to employment:
 - (A) Have two years of full-time experience as a social work staff person in a group home performing those duties specified in Sections 84165.1(b)(1) through (3).
 - (B) Have an associate of arts or science degree from an accredited college or university and four years providing full-time direct care to children in an agency serving children or in a group residential program serving children.
 - (C) Have five years of full-time residential child care experience and completion, with a passing grade, of 18 college semester or equivalent quarter units in behavioral science from an accredited or approved college or university. Nine of those units must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to, curriculums in corrections, psychology, social work, or social welfare.
- (d) The licensee shall ensure that all child care staff meet one of the following minimum qualifications prior to employment:
 - (1) Have two years of full-time residential child care experience and an associate of arts or science degree from an accredited or approved college or university, with a major or emphasis in behavioral science. Nine of those units must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to, curriculums in corrections, psychology, social work, or social welfare.
 - (2) Have two years of full-time work experience in a program serving persons with mental disabilities and be currently a licensed psychiatric technician by the Board of Vocational Nurse and Psychiatric Technician Examiners.
- (e) Child care staff, employed by the facility prior to the effective date of these regulations, who do not have the required degree or semester units or equivalent quarter units relating to children with behavioral problems as specified in Section 84165(d), shall successfully complete the required units within one year of the effective date of these regulations.
- (f) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all child care staff.

84165 PERSONNEL REQUIREMENTS (Continued)**84165**

- (1) The plan shall require child care staff to receive and document a minimum of 20 hours of continuing education during the first 12 months of employment and during each year thereafter.
 - (A) Continuing education shall include completion of courses related to the principles and practices of child care, mental health and care of the mentally ill including, but not limited to, workshops, seminars, and academic classes.
 - (B) Continuing education, training, and classes may be provided at the facility.
 - (C) Proof of course attendance and completion shall be limited to official grade slips, transcripts, certificates, or signed documentation from a college, adult education department, a bona fide educational institution/organization, or licensee association.
- (2) The on-the-job training and development program shall include training in the following areas:
 - (A) Assaultive behavior management and preventing assaultive behavior training course which shall be approved by the Department of Mental Health. Staff shall complete at least 16 hours of a basic assaultive behavior and prevention training course prior to their participation in the containment, seclusion, and/or restraint of a child. The staff shall also participate in a four- hour semiannual review course.
 - 1. The behavior management training courses shall be pre-approved by the Department of Mental Health.
 - (B) Recognition of possible side effects of psychotropic medication.
 - (C) Children's personal rights, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
 - (D) Due process rights and procedures for accessing due process and personal rights.
 - (E) Staff responsibilities.
 - (F) The facility's emergency and safety procedures including, but not limited to, fire drills and disaster plan procedures.
- (g) During orientation or when changes are made which affect job assignments, and upon request to placement agencies, all employees shall be given a copy of the job description and staff assignment information specified in Sections 84066(b)(1) and (2) which is relevant to their duties. All employees shall have access to all other job descriptions.

84165 PERSONNEL REQUIREMENTS(Continued)**84165**

- (h) Upon employment, staff shall receive copies of the discharge policies and procedures specified in Section 84168.5, due process procedures specified in Section 84172(c), complaint procedures specified in Section 84172.2, and the restraint policies specified in Section 84175.2.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531, and 1562, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

84165.1 PERSONNEL DUTIES**84165.1**

- (a) In addition to Section 84065.1, with the exception of Section 84065.1(c), the following shall apply.
- (b) Licensed mental health professional staff shall complete or perform the following for each child:
- (1) An intake report and admission assessment as specified in Sections 84168.2(c) and (d)(1).
 - (2) A needs and services plan, as specified in Sections 84168.3 and 84168.4.
 - (3) A discharge plan, discharge summary, and discharge report as specified in Section 84168.5.
 - (4) The medication report and Monthly Clinical Review report as specified in Section 84175.1.
 - (5) The required procedures for denying a child's personal right as specified in Section 1934 of the California Code of Regulations, Title 9, Chapter 11.
 - (6) An authorization to initiate and document any form of restraint and/or seclusion as specified in Section 84175.2.
 - (7) Progress notes or descriptions documenting the client's participation and responses to the implementation of prescribed mental health treatment services.
 - (8) Administration and monitoring of the mental health treatment services.
 - (9) Develop and record the information necessary for the completion of Sections 84165.1(b)(1) through (8) as specified in Section 84170.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1522.4, and 1531, Health and Safety Code.

84165.5 STAFF/CHILD RATIOS**84165.5**

- (a) Section 84065.5 is not applicable to community treatment facilities.
- (b) In community treatment facilities, there shall be one child care person awake and on duty for each five children, or fraction thereof, present from 7 a.m. to 10 p.m.
- (c) If the children require special care and supervision because of age, problem behavior, or other factors, the number of on-duty child care staff shall be increased to meet the needs of the children in accordance with Section 80065(a).
- (d) Each community treatment facility shall meet mental health treatment full-time staffing to client census ratio as specified in Sections 1921(a) and (e) of the California Code of Regulations, Title 9.

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- (1) California Code of Regulations, Title 9, Sections 1921(a) and (e) state:

- "(a) A certificate holder shall employ sufficient numbers of licensed mental health professionals and licensed nursing staff."
- "(e) Each CTF shall have qualified nursing staff in the facility on a twenty-four (24) hour basis."

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84165.6 NIGHT SUPERVISION**84165.6**

- (a) Section 84065.7 is not applicable to community treatment facilities.
- (b) In community treatment facilities providing care and supervision to 10 or fewer children, there shall be one child care staff person awake and on duty from 10 p.m. to 7 a.m.
 - (1) Another staff person shall be on call and capable of arriving at the facility site within 30 minutes.

84265 PERSONNEL REQUIREMENTS (Continued)**84265**

- (h) The licensee shall employ or contract with a social worker with a master's degree in a behavioral science from an accredited college or university.
 - (1) The social worker shall carry no more than 12 children's cases. For minor parent programs, the social worker may consider the minor parent and child as one case and shall carry no more than 12 cases.
- (i) The licensee shall develop, maintain and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all houseparents.
 - (1) Houseparents shall have a minimum of 24 hours of training and orientation before working with children under 6 years of age.
 - (A) The training shall include instruction regarding childhood illnesses, symptoms of illnesses, and infection control procedures.
 - (2) An experienced houseparent shall accompany a new houseparent for a minimum of 20 hours before the new houseparent works alone with children.
 - (A) The facility manager shall assure that the new houseparent can provide all aspects of appropriate caregiving, before allowing that new houseparent to work alone with children under six years of age.
 - (3) The written plan shall require houseparent to receive and document a minimum of four clock hours a month of continuing education.
 - (A) Continuing education shall include completion of courses in the neurological and psychosocial development of children from birth through five; bonding and attachment; language acquisition; basic life support including best methods of toilet training; cultural competency; separation; grieving; discipline and limit setting; the dynamics of trauma and brain damage; compensatory caregiving techniques for children with significant disorders; sexual abuse; interdisciplinary team work; communication enhancement; preventive health practices, and the dynamics of various causes and effects of family function and dysfunction.

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- (B) Documentation of training shall include the date of training, the location, the title, a brief description of the training, names and signatures of staff attending onsite training, independent third-party verification of offsite training (i.e., official grade slips, transcripts, certificates, signed documentation from an approved or accredited institution or a licensee association), hours of training, name and qualifications of trainer(s), list of materials distributed and used by the trainer, type of training (i.e., in-person, video, onsite, offsite), and the provider-paid costs, such as employee wages and benefits and any travel.
- (j) Training for all staff shall address the child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (k) Children shall be cared for in family groups, as defined in Section 84201(f)(1).
- (1) Each child shall remain in the same family group for the duration of the placement, unless the needs and services plan documents reasons that this is not in the best interests of the child.
- (2) Siblings shall be in the same family group, unless the needs and services plan documents reasons that this living arrangement is not in the best interest of each child.
- (3) Persons unknown to the children shall not perform any caregiving.
- (l) Personnel and consultants subject to occupational licensing shall have a current and active license issued by the appropriate State of California licensing board.
- (m) Upon employment, staff shall receive copies of the removal and/or discharge procedures specified in Section 84268.4, the discipline policies and procedures specified in Section 84272.1, and the complaint procedures specified in Section 84072.2.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1530.8, 1531, 1562, and 1596.866, Health and Safety Code; Sections 11467.1 and 16001.9, Welfare and Institutions Code.

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- (a) Section 84065.2(c) does not apply.
- (b) The social worker shall complete and record the following for each child:
- (1) An intake study, as specified in Section 84268.1.
- (2) A needs and services plan, as specified in Sections 84268.2 and 84268.3.